

## EXHIBIT 20

## **SECTION B**

***Statement of Case***

**CFR, Title 14 Regulations Violated:**

**Section 105.45(a)(1)(iv)**

Federal Aviation Regulations violated by Rob Pooley (who performed a tandem course at Parachute Center, Acampo, Ca, and allowed a Mr. Yonghyeon Kwon to perform a tandem parachute operation with a Mr. Tyler Turner, when Mr. Kwon was not USPA licensed and not U.P.T tandem rated.

In which both men were fatally injured.

Rob Pooley performed a tandem course that Mr. Kwon attended, when Mr. Pooley's USPA Instructor and examiners rating was suspended by the USPA since July 2015 and was not authorized to conduct tandem courses. Federal Aviation Regulations violation, 105.45(a)(1)(iv), Kwon had not successfully completed a tandem instructor course given by the manufacturer or a course acceptable to the Administer. And had not been certified by the appropriate parachute manufacture.

Federal Aviation Regulations, §1570.5 (a) & (b), Fraud and intentional falsification of records violated by Rob Pooley.

Mr. Dause provided the Federal Aviation Administration investigator with Mr. Kwon's USPA and U.P.T. application document copies under false pretenses. With forged signatures dated July 1, 2016 of Yuri Garmashov who was in Russia from May 26, 2016 to August 2, 2016 and did not/could not have signed the USPA/U.P.T. documents. Rob Pooley had some initials on these documents.

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Robert Allen Pooley

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The purpose of this Enforcement Investigation Report (EIR) is to prove that Mr. Rob Pooley allowed a Mr. Yonghyeon Kwon to perform a tandem parachute operation with a Mr. Tyler Turner, when Mr. Kwon was not USPA licensed and not U.P.T tandem rated.

In which both men were fatally injured.

Rob Pooley performed a tandem course that Mr. Kwon attended, when Mr. Pooley's USPA Instructor and examiners rating was suspended by the USPA since July 2015 and was not authorized to conduct tandem courses. Federal Aviation Regulations violation, 105.45(a)(1)(iv), Kwon had not successfully completed a tandem instructor course given by the manufacturer or a course acceptable to the Administer. And had not been certified by the appropriate parachute manufacture.

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On August 6, 2016 Federal Aviation Administration's (FAA) Oakland Flight Standards District Office (FSDO, WP-27) Front Line manager Prater received report of a double fatality tandem parachute accident at Parachute Center, Lodi, Ca. and assigned Inspector Jensen to investigate (IOP # 1).

On August 8, 2016 inspector Jensen interview Yuri Garmashov. Record of conversation with Yuri Garmashov (IOP # 2)

On August 9, 2016 inspector Jensen interviewed Rob Pooley. Record of conversation with Rob Pooley (IOP # 3)

August 17, 2016 received San Joaquin Sheriffs Coroner's office tandem accident report. (IOP #5).  
Yuri passport stamps in Russia (IOP # 4)

September 7, 2016 Inspector Jensen completed tandem incident investigation and closed Federal Aviation Administration's Incident report 8020-23 with Federal Aviation Regulations (FAR) 105.45(a)(1)(iii), (iv) & (v) and §1570.5 (a) & (b) violated (IOP # 5).

September 7, 2016 Inspector Jensen completed investigation and closed Federal Aviation Administration's FAA Order 1380.51, Program Tracking and Reporting System (PTRS) with Enforcement Investigation Report (EIR) opened on FAR's 105.45(a)(1)(iii), (iv) & (v) and §1570.5 (a) & (b) violated (IOP # 6).

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On September 7, 2016 FAA Oakland FSDO Aviation Safety Inspector (ASI) David T. Jensen was assigned the EIR # 2016WP270067 (IOP # 7).

Video and pictures of the Kwon/Turner tandem jump from cameraman, a Russian with English name of Denys Somin (who does not speak English) video is from exiting aircraft until Mr. Somin had to deploy his own parachute at approximately 2000 feet. This video evidence proved to be very valuable on knowing what exactly happened with the jump event sequencing issues (IOP # 8).

On September 27, 2016 FAA Oakland FSDO inspector Jensen sent a certified Letter of Investigation (LOI) including Privacy Act Notice to Robert Allen Pooley (IOP # 9).

USPA applications for Mr. Yonghyeon Kwon that shows Mr. Kwon's credit card information and signatures. It appears paperwork was ready to be sent to USPA and/or U.P. T. Sigma for his various membership, certificates and the most important is the Tandem Instructor Rating Course Proficiency Card application. This is the card needed to perform tandem parachute operations with public (Tyler Turner).

This application has a date of 7/1/16 and this is when Yuri Garmashov was in Russia (IOP #10).

USPA tandem students recall statement (IOP # 11)

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**This Enforcement Investigation revealed the following facts:**

Rob Pooley performed a tandem course that Mr. Kwon attended, when Mr. Pooley's USPA Instructor and examiners rating was suspended by the USPA since July 2015 and was not authorized to conduct tandem courses.

Rob Pooley allowed a Mr. Yonghyeon Kwon to perform a tandem parachute operation with no emergency procedure training.

This FAR violation is a very serious safety issue and caused the death of Yonghyeon Kwon and Tyler Turner. Also, could have caused injury and damage, not only to the aircraft and other parachutists but to people and property on the ground.

Inspector Jensen had contacted and interview Rob Pooley, for his statements, opinion or cooperation in this Investigation.

Rob Pooley stated his USPA examiners rating was suspended by the USPA since July 2015 and was not authorized to conduct tandem courses.

Inspector Jensen had contacted and interview Yuri Garmashov, for his statements, opinion or cooperation in this Investigation.

Yuri Garmashov stated he was in Russia from May 26, 2016 to August 2, 2016 and did not/could not have signed the USPA/U.P.T. documents. And Mr. Garmashov submitted his passport that shows he was in Russia.

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Robert Allen Pooley

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**SECTION B**  
**Factors Affecting Sanction**

**Nature of Violation:**

Rob Pooley demonstrated recklessness, carelessness and lack of concern for life or property performing no emergency procedure training to Yonghyeon Kwon who was performing tandem parachute operation with Tyler Turner and knowing Mr. Kwon was not USPA licensed and not U.P.T tandem rated.

**Violation–Inadvertent or Intentional:**

Intentional with admission.

**Level of Experience:**

High.

**Violator's Attitude:**

Not Applicable.

**Degree of Hazard / Safety Involvement & Impact:**

Very high degree of Hazard and Safety Impact.

**Action Taken by Employer or Other Authority:**

Mr. Pooley was fired from the Jump Center owner Bill Dause on Aug 6<sup>th</sup> after the tandem Incident fatalities.

US Attorney's Office and San Joaquin Attorney's office has opened an investigation for possible further criminal charges.

**Use of a Certificate:**

USPA examiners rating was suspended by the USPA since July 2015 and any other USPA certificates were suspended Sept 1, 2016. Mr. Pooley holds a Commercial Pilot Certificate 3447990.

**Violator's Enforcement History:**

Yes, airman has disciplinary action history from USPA.

**Decisional Law:**

To be determined by Regional Counsel.

**Ability to Absorb Sanction:**

Unknown.

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**Consistency of Sanction:**

To be determined by determined by Regional Counsel.

**Whether the Violation was Reported Voluntarily:**

Not Applicable.

**Corrective Action:**

Not Applicable.

**Other Information:**

Reliability of Evidence:

The evidence in this report is considered material and relevant proving the violation occurred.

**Conflicting Evidence:**

No conflicting evidence is apparent in this case.

**Mitigating, Aggravating, and Extenuating Circumstances:**

Not Applicable.

**Opinions, Feelings & Conjecture:**

Rob Pooley had to have known the seriousness of this safety issue and how dangerous it is to allow tandem skydiving operations without proper certification.

**Demonstrated Lack of Qualification:**

Not Applicable.

**Summarized Conclusion & Recommended Sanction:**

Inspector Jensen recommends maximum civil penalty.

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Robert Allen Pooley

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